

BEFORE THE
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:

MICHELE D. HOWARD

V

No. 06-0755

PEOPLES GAS LIGHT AND COKE
COMPANY

Complaint as to incorrect
billing in Chicago, Illinois

Chicago, Illinois
September 10, 2007

Met pursuant to notice at 10:00 a.m.

BEFORE :

MR. JOHN RILEY, Administrative Law Judge.

APPEARANCES :

MS. MICHELE D. HOWARD
1717 West Garfield
Chicago, Illinois
appeared pro se;

MR. MARK L. GOLDSTEIN,
108 Wilmot Road,
Deerfield, Illinois 60015,
appeared for the Respondent.

SULLIVAN REPORTING COMPANY, by
Teresann B. Giorgi, CSR

1		<u>I</u>	<u>N</u>	<u>D</u>	<u>E</u>	<u>X</u>	
2					Re-	Re-	By
3	<u>Witnesses:</u>	<u>Dir.</u>	<u>Crx.</u>	<u>dir.</u>	<u>crx.</u>		<u>Examiner</u>
4	Michele Howard	33					
5	Mr. Riordan						36
6							
7							
8							
9							
10		<u>E</u>	<u>X</u>	<u>H</u>	<u>I</u>	<u>B</u>	<u>I</u>
11	<u>COMPLAINANT'S</u>	<u>For</u>	<u>Identification</u>		<u>In</u>	<u>Evidence</u>	
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1 JUDGE RILEY: Pursuant to the direction of
2 the Illinois Commerce Commission, I call
3 Docket 06-0755. This is a complaint by Michele D.
4 Howard versus Peoples Gas Light and Coke Company as
5 to incorrect billing in Chicago, Illinois.

6 This matter was reopened at the
7 Commission's direction on July 11, 2007.

8 Ms. Howard, you are present today and
9 still proceeding without Counsel, is that correct?

10 MS. HOWARD: That's correct.

11 JUDGE RILEY: And you have a witness with you
12 that should be here momentarily, is that correct?

13 MS. HOWARD: That is correct.

14 JUDGE RILEY: Mr. Goldstein, would you enter an
15 appearance, please.

16 MR. GOLDSTEIN: On behalf of The Peoples Gas
17 Light and Coke Company, Mark L. Goldstein, 108
18 Wilmot Road, Suite 330, Deerfield, Illinois 60015.
19 My telephone number is 847-589-5480.

20 JUDGE RILEY: At this point we were scheduled to
21 discuss the parties' various responses to the
22 questions that were directed to each party by the

1 Commission.

2 And at this point, beginning with the
3 Complainant's responses to these questions,
4 Ms. Howard, do you swear to tell the truth, the
5 whole truth and nothing but the truth so help you
6 God?

7 MS. HOWARD: I do.

8 JUDGE RILEY: Do you have any testimony or other
9 evidence supplemental to what you have provided in
10 response to the Commission's questions?

11 MS. HOWARD: I have a witness.

12 JUDGE RILEY: You do have a witness.

13 MS. HOWARD: Yes.

14 JUDGE RILEY: And did you want to present that
15 witness to the Commission today?

16 MS. HOWARD: I do.

17 JUDGE RILEY: Okay. Then, we have to wait until
18 the car is parked, right?

19 MS. HOWARD: Yes.

20 May I make a phone call to see. . .

21 JUDGE RILEY: Sure.

22 Let's go off the record.

1 (Whereupon, a discussion
2 was had off the record.)

3 JUDGE RILEY: What was Ms. Gray going to testify
4 to?

5 MS. HOWARD: To the fact that the questions were
6 asked appropriately, that I haven't stayed in the
7 building. The building has been unoccupied.

8 JUDGE RILEY: In other words, she would just
9 corroborate your answers to what you have already
10 stated here.

11 MS. HOWARD: Yes.

12 JUDGE RILEY: Basically, I don't think we need
13 that, because what I was going to do is take a
14 motion from you, eventually, to move for the
15 admission of your answers into evidence, and thereby
16 make them part of the record.

17 Let me ask you this, will the answer
18 that you provided in response to the Commission's
19 questions, these were prepared you or at your
20 direction?

21 MS. HOWARD: Yes.

22 JUDGE RILEY: And would you have any changes to

1 make to these answers, as you review them today?

2 MS. HOWARD: You know, there is one spot where I
3 think I -- okay, I answered more than the questions
4 that I said previously that I was going to answer.

5 JUDGE RILEY: Okay.

6 MS. HOWARD: Is that okay?

7 JUDGE RILEY: That's fine.

8 These questions were for everyone to
9 answer. Whatever answers you could provide.

10 MS. HOWARD: There was one question that I would
11 have provided more information on, that would be
12 Question 2.

13 MR. GOLDSTEIN: You filed no response to that,
14 right, did you?

15 JUDGE RILEY: Mr. Goldstein.

16 Did you want to now provide a response
17 to Question No. 2?

18 MS. HOWARD: I would like to provide a response
19 to Question No. 2.

20 JUDGE RILEY: Mr. Goldstein, do you have any
21 objection?

22 MR. GOLDSTEIN: You're filing a verbal response

1 to that question, is that what you're going to do,
2 Ms. Howard?

3 MS. HOWARD: I would also like to provide some
4 evidence.

5 JUDGE RILEY: Mr. Goldstein, what is your
6 response?

7 MR. GOLDSTEIN: I would like to see it first,
8 Judge. I don't know what it is.

9 JUDGE RILEY: Okay.

10 MS. HOWARD: It's already in the record in
11 exhibits that were previously submitted.

12 JUDGE RILEY: Okay.

13 The question is, When meter P1705370
14 was tested and the figure 3310 entered in
15 Respondent's Exhibit 2B, was this figure actually
16 read from the meter or was it entered from existing
17 records?

18 MS. HOWARD: Right.

19 JUDGE RILEY: And you wanted to make a response
20 to that question?

21 MS. HOWARD: Yes.

22 JUDGE RILEY: Okay. What is your response?

1 MS. HOWARD: When the meter was read, I took
2 down the figures off those meters alongside Peoples'
3 representative.

4 JUDGE RILEY: You wrote them down
5 simultaneously.

6 MS. HOWARD: I would them down simultaneously.

7 JUDGE RILEY: That was when the meter was in the
8 process of being removed. They were doing a final
9 reading on it.

10 MS. HOWARD: Yes.

11 MR. GOLDSTEIN: Judge, I'm going to object to
12 the answer. I don't think that the response that
13 Ms. Howard made is to the 2B question. My
14 understanding of Exhibit 2B is that -- respondent's
15 meter test.

16 JUDGE RILEY: All right.

17 MR. GOLDSTEIN: It has nothing at all to do with
18 what -- you know. I think her response is really to
19 2A.

20 The question that the Commission asked
21 relates to 2B, which is the actual testing of the
22 meter. She could testify that she was not present

1 for the meter test, but she cannot testify as to how
2 the meter was tested and whether it past or failed.

3 JUDGE RILEY: What you're saying is, you object
4 to the response being in -- you object to the
5 testimony being in response to Question 2.

6 MR. GOLDSTEIN: I'm saying that her testimony is
7 not responsive to the question that was propounded
8 by the Commission, which relates to Respondent's
9 Exhibit 2B.

10 JUDGE RILEY: All right. I understand that.
11 But the testimony as such -- the testimony was
12 offered not in response to Question 2, but simply a
13 supplemental testimony. What is your response to
14 that?

15 MR. GOLDSTEIN: My response is that Ms. Howard's
16 statement is merely cumulative of what she's already
17 testified to.

18 JUDGE RILEY: What is your response?

19 MS. HOWARD: It wasn't entered during
20 previous -- the handwritten portion was thrown out
21 during the previous trial. And I do feel as though
22 this is relevant to that question in that it does

1 show that the information had to be entered manually
2 because it was entered incorrectly.

3 JUDGE RILEY: All right. What evidence do you
4 have in support of the statement you just made?

5 MS. HOWARD: The fact that I wrote down the
6 numbers along with Peoples. This is my record
7 (indicating).

8 JUDGE RILEY: Let me see it.

9 MR. GOLDSTEIN: Judge, we've already gone
10 through this during the actual trial of this case.

11 The question that the Commission
12 propounded was a question that directly related to
13 the meter test.

14 JUDGE RILEY: I understand that. We've gone
15 beyond that. So, we're not accepting this testimony
16 as part of a response to Question 2.

17 MR. GOLDSTEIN: Well, but, I thought that's the
18 purpose of this hearing.

19 JUDGE RILEY: Well --

20 MR. GOLDSTEIN: Is there more to this hearing
21 than I suspect?

22 MS. HOWARD: These were the figures

1 (indicating).

2 MR. GOLDSTEIN: You've already ruled on these,
3 Judge.

4 MS. HOWARD: It's the figures here (indicating).

5 JUDGE RILEY: I understand that.

6 MS. HOWARD: And there, and there (indicating).

7 JUDGE RILEY: What does this relate to?

8 MS. HOWARD: Those were the meter readings.

9 That was the second floor meter reading
10 (indicating). This was the building account
11 (indicating).

12 JUDGE RILEY: I wasn't aware that this was being
13 contested. I thought that these were the two
14 contests here (indicating).

15 MS. HOWARD: Okay, then those.

16 JUDGE RILEY: That goes right to the substance
17 of what we talked about in the first -- the issue
18 that we talked about in the previous hearing as to
19 what these -- did you present those at the initial
20 hearing?

21 MS. HOWARD: I did. However, my inexperience
22 allowed me to have him throw them out. He said,

1 during the first hearing, that he would accept it,
2 but he would -- the handwriting would be null and
3 void, which was me throwing out my physical
4 evidence.

5 JUDGE RILEY: Okay. The other problem that
6 we've run into here aside from that is that this
7 hearing was called specifically to deal with the
8 response to the Commission's questions.

9 To accept that would be an expansion
10 of the purpose for which we're here.

11 MS. HOWARD: I do believe that that is -- it
12 does speak toward the fact that those figures had to
13 be entered manually.

14 MR. GOLDSTEIN: That is not the response that
15 the respondent made to Question 2, Judge.

16 JUDGE RILEY: Okay. I understand that.

17 MR. GOLDSTEIN: If Ms. Howard would like to ask
18 questions of Mr. Riordan, who is here today, with
19 respect to the information contained in our response
20 to Commission Question 2, she's perfectly free to do
21 so, you know, because that's really the purpose of
22 the hearing.

1 JUDGE RILEY: Ms. Howard, when you say that
2 those numbers had to be entered -- I don't
3 understand your testimony there when you say those
4 numbers had to be entered manually, the numbers 3310
5 and 377. I'm not 100 percent sure of what you're
6 referring to when you say they had to be entered
7 manually.

8 MS. HOWARD: I'm saying that they were wrong.
9 So, someone had to go in and enter them manually.
10 Had that meter had been tested out properly, it
11 would have tested out to the figures that I have
12 written on my evidence.

13 JUDGE RILEY: You had 1310 and 377.

14 MR. GOLDSTEIN: Judge, I hate to belabor the
15 point, but the manual recording that Ms. Howard is
16 speaking about, relates specifically to Exhibit 2A,
17 not 2B. 2B is an electronic recording of the meter
18 testing. So, it does not relate to Question 2 that
19 the Commission propounded. And, I guess, we can
20 retry the entire case, but I don't believe that was
21 the purpose for the matter being reopened.

22 MS. HOWARD: Retrying the entire case would be

1 fine with me.

2 JUDGE RILEY: Okay.

3 MS. HOWARD: In the event that I was -- my
4 inexperience allowed me to throw out my most
5 compelling evidence.

6 JUDGE RILEY: All right. We were here -- this
7 session was called for the purpose --

8 MS. HOWARD: Of answering the questions.

9 JUDGE RILEY: -- of responding to the questions
10 that were proposed by the Commission --

11 MS. HOWARD: Right.

12 JUDGE RILEY: -- propounded by the Commission.
13 Over and above what you presented
14 there, do you have any questions for Mr. Riordan?

15 MS. HOWARD: None.

16 JUDGE RILEY: Well, Ms. Howard, we've been over
17 all of that, the dispute as to how the numbers were
18 entered and what the numbers should have been. I
19 already have that in the record.

20 MS. HOWARD: We don't have that entered in.

21 JUDGE RILEY: It's inadmissible. I'm sorry.
22 Let the record show that Ms. Janet

1 Gray -- correct?

2 MS. GRAY: Correct.

3 JUDGE RILEY: -- has joined the proceeding.

4 Ms. Howard, you had mentioned that you

5 were going to call her as a witness?

6 MS. HOWARD: Yes, I was, just to attest that the

7 information -- to backup the information that I

8 provided.

9 JUDGE RILEY: Okay. Again, we went over all of

10 this at the first hearing. And we are specifically

11 for the purpose of addressing the questions.

12 MS. HOWARD: Right.

13 JUDGE RILEY: And your testimony and that

14 exhibit that you offer does not go to any of the

15 questions. Counsel is right about that. And for

16 that reason, I'm going to disallow it.

17 You say you did not want to call

18 Mr. Riordan with regard to any questions you may

19 have for him?

20 MS. HOWARD: None.

21 JUDGE RILEY: Mr. Goldstein, did you have

22 anything that you wanted to --

1 MR. GOLDSTEIN: I just have, perhaps, three
2 questions of Ms. Howard --

3 JUDGE RILEY: Okay. Go ahead.

4 MR. GOLDSTEIN: -- with respect to what she
5 filed, the responses to Questions 1, 5, 6, 7, and 8.

6 MICHELE HOWARD,
7 called as a witness herein, and after having been
8 first duly sworn, was examined and testified as
9 follows:

10 DIRECT EXAMINATION

11 BY

12 MR. GOLDSTEIN:

13 Q Ms. Howard, you would agree with me that
14 your responses to Questions 1 and 7 are exactly the
15 same, is that right?

16 A No, they are not exactly the same.

17 Q What is the difference?

18 A They are different numbers.

19 Q When you mean different numbers, what
20 numbers are you referring to?

21 A In the supporting evidence -- I mean, in
22 the supporting evidence they're different.

1 Q Could you just describe for us how they are
2 different?

3 A The AT&T monthly billing statement from
4 February 26th, 2006 to December 25th, 2006, showing
5 a total of zero calls. The other one stating
6 showing a total of four calls. I mean, they're
7 different.

8 JUDGE RILEY: And let the record reflect that
9 the dates are different, also.

10 THE WITNESS: Correct.

11 They're not exactly the same.

12 MR. GOLDSTEIN: Q Now, with respect to the
13 telephone calls, Ms. Howard --

14 A One is talking about -- wait a minute.
15 Also it speaks to two different meters.

16 Q All right. With respect to the various
17 telephone bills that you provided in response to
18 Questions 1 and 7, did you also provide your cell
19 phone bills?

20 A Did I also provide my cell phone bills?

21 Q Yes.

22 A No.

1 MR. RIORDAN

2 called as a witness herein, and after having been
3 first duly sworn, was examined and testified as
4 follows:

5 EXAMINATION

6 BY

7 JUDGE RILEY:

8 Q With regard to respondent's answer to
9 Question 7, During which specific dates was that
10 part of the building vacant that is served by
11 P1705370. Parties shall provide evidence such as
12 utility bills, rental records and any other proof
13 that supports its answer.

14 The response is, Peoples Gas cannot
15 respond to the dates that the building was vacant.
16 Attached are the gas bills, which were billed from
17 the meter P1705370.

18 I went through and did a quick count,
19 and correct me if I'm wrong, but there are 37 bills
20 attached to the response, and only four of them show
21 any activity on meter P1705370.

22 A Judge, your saying No. 7, that references

1 meter No. P2780470?

2 Q No. Question 7.

3 All right, that's the confusion.

4 Because in the response -- in the restatement of
5 Question 7 by the respondent, you put the incorrect
6 meter number in there.

7 MR. GOLDSTEIN: Oh, I'm sorry.

8 JUDGE RILEY: Mr. Goldstein, this is what I'm
9 referring to. Here's Question 7.

10 MR. GOLDSTEIN: Just a moment, Judge.

11 I'm sorry. I stand corrected. I put
12 the wrong meter number in response to that question.

13 The information that was provided,
14 Judge, is in response to the correct meter number,
15 which is meter P2780470.

16 JUDGE RILEY: Then, let the record reflect --

17 MR. GOLDSTEIN: I would ask that the response be
18 corrected on its face.

19 JUDGE RILEY: You're moving to amend the
20 response to Question 7 --

21 MR. GOLDSTEIN: That's correct.

22 JUDGE RILEY: -- to reflect meter No. P2780470.

1 MR. GOLDSTEIN: Correct, Judge.

2 JUDGE RILEY: That motion is granted.

3 Other than that, do the respondent's
4 answers to the Commission's questions stand as
5 presented?

6 MR. GOLDSTEIN: Yes. Mr. Riordan prepared the
7 data that's contained in respondent's responses to
8 Questions 2 through 10. And the responses are taken
9 from the Company's books and records, is that
10 correct, Mr. Riordan?

11 THE WITNESS: Yes, it is.

12 MR. GOLDSTEIN: And the responses were made by
13 you to those questions, is that correct?

14 THE WITNESS: Yes, they are.

15 MR. GOLDSTEIN: I would move responses to
16 Questions 2 through 10 into the record.

17 JUDGE RILEY: All right. I'll get to that in
18 just a moment. I'm going to go back to Ms. Howard
19 now.

20 Ms. Howard, it's my understanding that
21 your purpose here today was to provide evidence with
22 regard to the meter readings that were taken when

1 meter 1705370 was taken down. That is the crux of
2 your issue, isn't it? What you saw and recorded was
3 something different than what Peoples Gas saw and
4 recorded, is that correct?

5 MS. HOWARD: And, therefore, I believe that it's
6 safe to say that those figures were entered
7 manually.

8 JUDGE RILEY: Now, when you say "they were
9 entered manually," what do you mean by that?

10 MS. HOWARD: A human being had to put those
11 figures into the system because --

12 JUDGE RILEY: They were not electronically
13 recorded.

14 MS. HOWARD: That's why I wanted to present that
15 evidence.

16 JUDGE RILEY: Okay. I don't understand that if
17 a meter was being taken down and tested how could
18 those numbers have been entered other than manually?

19 MS. HOWARD: I guess they didn't enter them
20 electronically.

21 JUDGE RILEY: Right. Right. I think that would
22 be very clearly understood.

1 What would Ms. Gray testify to, other
2 than --

3 MS. HOWARD: I mean, Ms. Gray was present during
4 the time -- Ms. Gray can attest to the fact that,
5 you know, we verbalized together, you know, when
6 looking at the bills --

7 JUDGE RILEY: All right.

8 MS. HOWARD: -- that I was due credit on both
9 accounts. We did the math together.

10 JUDGE RILEY: It was my clear understanding from
11 the prior hearing, that Ms. Gray was not present at
12 the building when the meter was taken down.

13 MS. HOWARD: No, she was not present at the
14 building when the meter was taken down. But, after
15 the fact we discussed the fact that, Look how much
16 over they billed me. Look at how many therms were
17 not used versus what they had estimated. And I was
18 due a credit. On the one account, the credit came
19 through. On the big account, it was entered
20 erroneously.

21 JUDGE RILEY: As much as I would like to give
22 you the latitude, it would be improper for me to do

1 so. Ms. Gray would not be offering any testimony
2 with regard to any of the questions that were
3 propounded by the Commission. And it would be
4 nothing more than material that we had gone over
5 already, that's already part of the record from the
6 first hearing.

7 MS. HOWARD: So, the fact that she can say that
8 I was staying with her, and the building was not
9 occupied, the dates the building wasn't occupied --

10 JUDGE RILEY: Why is that an issue? We already
11 know that the building is not occupied.

12 MS. HOWARD: I didn't ask the questions. The
13 Commission sent the questions back.

14 JUDGE RILEY: The answers are what they are.

15 MS. HOWARD: Right.

16 JUDGE RILEY: No, your testimony doesn't -- in
17 other words, you're asking Ms. Gray to corroborate
18 what you've already stated in writing, it seems to
19 me.

20 MS. HOWARD: Right. What is their testimony?
21 What is their witness for?

22 JUDGE RILEY: I don't know. I don't see where

1 their witness is going to offer anything we haven't
2 already heard.

3 MS. HOWARD: I mean, I'm new at this. This is
4 an old shoe for them. I'm just winging it.

5 JUDGE RILEY: If that's it, then, you have
6 provided answers to Questions 1, 5, 6, 7, and 8.

7 MS. HOWARD: Yes.

8 JUDGE RILEY: And I trust that you are moving
9 for the admission of those answers into evidence, is
10 that correct?

11 MS. HOWARD: That is correct.

12 JUDGE RILEY: Mr. Goldstein, any response?

13 MR. GOLDSTEIN: No objection.

14 JUDGE RILEY: Then, the complainant's responses
15 to the Commission's Questions 1, 5, 6, 7, and 8 as
16 Complainant's Exhibit A for our purposes here.

17 (Whereupon, Complainant's
18 Group Exhibit A was received
19 in evidence.)

20 JUDGE RILEY: And Mr. Goldstein, the respondent
21 has answered Questions 2, 3, 4, 5, 6, 7, 8, 9, and
22 10, and has submitted a written copy to both the ALJ

1 and to the Clerk's Office.

2 Is respondent moving for admission of
3 its responses into evidence?

4 MR. GOLDSTEIN: Yes, I do, Judge. The last
5 exhibit that I have is Respondent's Exhibit 13. You
6 may either mark it Respondent's Exhibit A or the
7 next number.

8 JUDGE RILEY: We'll make it Respondent's Group
9 Exhibit A.

10 And Ms. Howard, do you have any
11 objections to those responses?

12 MS. HOWARD: No.

13 JUDGE RILEY: Then, Respondent's Group
14 Exhibit A, the responses to Questions 2 through 10
15 are admitted into evidence.

16 (Whereupon, Respondent's Group
17 Exhibit A was received in
18 evidence.)

19 JUDGE RILEY: Now, we are back to the matter of
20 briefs, again.

21 Do the parties want to, again, submit
22 closing briefs, because, again, a proposed order is

1 going to have to be issued containing a ruling, and
2 accounting for the answers of both parties to these
3 questions.

4 MS. HOWARD: Who's doing the ruling? Is it
5 going to be you or someone else?

6 JUDGE RILEY: What it amounts to, the procedure
7 is that I prepare what is called a proposed order.

8 MS. HOWARD: Right.

9 JUDGE RILEY: Summarizing all of the evidence
10 and drawing conclusions -- making findings of fact
11 and drawing conclusions. And I submit that to each
12 of the parties. And it essentially states, this is
13 what I propose to submit to the Commission for their
14 ultimate disposition. It is the Commissioners who
15 make the dispositions in these cases. And anything
16 that you see in the proposed order that you disagree
17 with, you think is factually incorrect, or you think
18 has been misinterpreted, you can take issue with
19 that and file exceptions, and say, The order should
20 read this way.

21 MS. HOWARD: What we did before.

22 JUDGE RILEY: Right.

1 And once I have responses from both
2 sides, exceptions from both sides, I prepare a final
3 order and I submit it to the Commission for their
4 disposition. Now, they can either agree with me or
5 disagree, send it back, rewrite it, any number of
6 things.

7 MS. HOWARD: I seem to recall during the first
8 hearing you asked if we wanted to give verbal or
9 written response?

10 JUDGE RILEY: Right.

11 MS. HOWARD: I might move towards verbal at this
12 point.

13 JUDGE RILEY: Mr. Goldstein, any problem with
14 that?

15 MR. GOLDSTEIN: I have none, Judge.

16 JUDGE RILEY: Okay. If you would like to make a
17 verbal closing, that's perfectly okay.

18 If you need a minute --

19 MS. HOWARD: What did I just do?

20 JUDGE RILEY: -- to bring your thoughts
21 together?

22 MS. HOWARD: If I've got to do it right now,

1 maybe not.

2 JUDGE RILEY: Okay. Does that mean that you

3 would rather submit a written closing brief?

4 MS. HOWARD: Yes.

5 JUDGE RILEY: Okay.

6 Simultaneous, Mr. Goldstein.

7 How much time do you think you need?

8 A week, ten days, two weeks?

9 MS. HOWARD: I'm not exactly sure what this one

10 is supposed to entail.

11 JUDGE RILEY: Well, it's going to entail your

12 response to the answers that were propounded by the

13 respondent to these questions, anything you might

14 take issue with, anything you would object to.

15 MS. HOWARD: I didn't ask him any questions.

16 MR. GOLDSTEIN: Judge, could we go off the

17 record and discuss this between the parties?

18 JUDGE RILEY: Okay. Off the record.

19 (Whereupon, a discussion

20 was had off the record.)

21 JUDGE RILEY: Let's go back on the record.

22 Ms. Howard, you had a chance to confer

1 with Ms. Gray. What have you decided to do?

2 MS. HOWARD: We'll give a verbal.

3 JUDGE RILEY: All right. Fine. Please proceed
4 whenever you're comfortable.

5 MS. HOWARD: I guess my standing that the
6 information I provided you with shows that the meter
7 reading on the building account, which was removed,
8 was 1310. And the second meter installed at 377
9 cubic feet. I've also provided you with information
10 that shows the building is being unoccupied and
11 usage from AT&T, ComEd, and the second floor that
12 Peoples Gas account, are all in line with the fact
13 that the property was not being occupied.

14 In closing, I have received several
15 bills from Peoples Gas with various different
16 figures as far as what I owe. I would like to
17 finally get a correct billing, which will reflect
18 the figures that we provided previously for that
19 account, and credit.

20 JUDGE RILEY: Okay. And does that pretty much
21 conclude your closing remarks?

22 MS. HOWARD: Aside from the fact that I manually

1 took down the figures off both of those meters.

2 JUDGE RILEY: Am I correct to say that you would
3 register a continuing objection to the denial of the
4 admission of that document into evidence?

5 MS. HOWARD: I would.

6 JUDGE RILEY: Okay. I'm going to mark that as
7 Complainant's Exhibit B.

8 (Whereupon, Complainant's
9 Exhibit B was marked for
10 identification.)

11 JUDGE RILEY: And I will note for the record
12 that it was denied admissibility into evidence in
13 this proceeding -- excuse me, denied admission into
14 evidence in this proceeding.

15 And that's the one that had the two
16 figures on it, the 1310 and the 377. You'll let me
17 have a copy of that.

18 MS. HOWARD: I sure will. It is already an
19 exhibit.

20 JUDGE RILEY: It's been marked as an exhibit,
21 but it has been denied admission into evidence.
22 That's the difference.

1 MS. HOWARD: I will certainly provide you with a
2 copy of that.

3 JUDGE RILEY: Mr. Goldstein, did you have a
4 closing remark to make?

5 MR. GOLDSTEIN: Yes, very brief, too, Judge.

6 Obviously, Peoples Gas believes that
7 your initial proposed order correctly and properly
8 analyzed the evidence presented in this proceeding
9 and came to the correct result that there were
10 balances owed on both the building meter and the
11 second floor meter at Ms. Howard's property.

12 All of the information that has been
13 provided to the Commission, both in the
14 complainant's responses and the respondent's
15 responses to the ten questions that were propounded
16 by the Commission actually supports your proposed
17 order. And, therefore, Peoples Gas believes that
18 your order is the correct order and should be
19 resubmitted to the Commission for their approval.

20 JUDGE RILEY: Okay. That's the position of the
21 respondent. And I have the complainant's position.

22 Again, as I said, the procedure from

1 this point, then, is for me to prepare another
2 proposed order addressing the answers of each party
3 to the ten questions. It will have a date for
4 exceptions, if you have any. And once I've receive
5 those, I will submit a final order to the Commission
6 for the disposition of this matter. And, again, as
7 I said, they may have more questions.

8 MS. HOWARD: I hope so.

9 JUDGE RILEY: That being the case, then, I will
10 direct the court reporter to again mark this matter
11 heard and taken.

12 Thank you.

13 MR. GOLDSTEIN: Thank you, Judge.

14 MS. HOWARD: Thank you.

15 HEARD AND TAKEN

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